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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,257	05/02/2001	Naohiro Isshiki	B422-148	6909
26272	7590	11/12/2004	EXAMINER	
COWAN LIEBOWITZ & LATMAN P.C			LAU, TUNG S	
JOHN J TORRENTE			ART UNIT	
1133 AVE OF THE AMERICAS			2863	
1133 AVE OF THE AMERICAS			PAPER NUMBER	
NEW YORK, NY 10017			DATE MAILED: 11/12/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/847,257	Applicant(s) ISSHIKI, NAOHIRO	
	Examiner Tung S Lau	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6, 7, 2, 3, 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoyama Tetsuya (JP Patent 11-096118).

Regarding to claim 1:

Yokoyama Tetsuya discloses a data processing apparatus for effecting a predetermined process with respect to another data processing apparatus, comprising: a recognition unit for recognizing a charge function of another data processing apparatus (section 0029-0030, 0036); a decision unit for deciding which of said data processing apparatus is to effect a charge process for the predetermined process that both of said data processing apparatus perform in accordance with the recognition by said recognition unit (section 0029-0030, 0036; abstract, section 0003-0005); and a control unit for controlling (fig. 1, unit 21) one of said data processing apparatuses decided by said decision unit to effect the charge process for both of said data processing apparatus (abstract).

Regarding to claim 5:

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Yokoyama Tetsuya discloses a data processing apparatus comprising: a processing portion (fig. 1, unit 21) for effecting a predetermined process with respect to another data processing apparatus (abstract, section 0003-0005, section 0029-0030, 0036); and an information portion for informing said another data processing apparatus of charge function information of the data processing apparatus so that said another data processing apparatus decides which of said data processing apparatus is to effects the charge process for predetermined process, and one of said data processing apparatus effects the charge process for both said data processing apparatus (abstract, section 0003-0005).

Regarding to claim 6:

Yokoyama Tetsuya discloses a method for controlling a data processing apparatus for effecting a predetermined process with respect to another data processing apparatus comprising: recognizing a charge function of the another data processing apparatus (section 0029-0030, 0036); deciding which of said data processing apparatus is to effect a charge process for the predetermined process that both of said data processing apparatuses perform in accordance with the recognition in said recognition step (section 0029-0030, 0036)(abstract, section 0003-0005); and controlling one of said data processing apparatus decided by said decision unit (fig. 1, unit 21) to effect the charge process for both said data processing apparatuses (abstract, section 0003-0005).

Regarding to claim 7:

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Yokoyama Tetsuya discloses a method for controlling a data processing apparatus comprising: effecting a predetermined process with respect to another data processing apparatus (abstract, section 0003-0005); informing said another data processing apparatus of the data processing apparatus that said data processing apparatus decides which of said data processing apparatus is to effect a charge process for the predetermined process (abstract, section 0003-0005), and one of said data processing apparatus effect the charge process for both of said data processing apparatuses (abstract, section 0003-0005).

Regarding to claims 2, 3, 4:

Yokoyama Tetsuya discloses a basis information receive from another data processing apparatus (fig. 1, unit 24, 28); the process is a printing image read by another data processing apparatus (section 0001-0005), based on color image or monochromatic image (section 0026); printing an image read by the data processing apparatus (section 0001-0005).

Response to Arguments

2. Applicant's arguments filed 8/27/2004 have been fully considered but they are not persuasive.

A. Applicant argues in the lengthy arguments that the prior art does not show the 'recognition unit which recognizes a charge function of another data processing apparatus', Yokoyama Tetsuya discloses 'recognition unit which recognizes a

charge function of another data processing apparatus' in section 0029-0030, 0036.

B. Applicant continues to argue in the lengthy arguments that the prior art does not show the ' data processing apparatus is to effect a charge process for the predetermined process that both of the data processing apparatuses perform in accordance with the recognition by the recognition unit, control one of the data processing apparatuses decide by the decision unit to effects charge process for both of the processing apparatuses'; Yokoyama Tetsuya discloses ' data processing apparatus is to effect a charge process for the predetermined process that both of the data processing apparatuses perform in accordance with the recognition by the recognition unit, control one of the data processing apparatuses decide by the decision unit to effects charge process for both of the processing apparatuses' in section 0029-0030, 0036, abstract, section 0003-0005.

C. Applicant continues to argue in the lengthy arguments that the prior art does not show the ' a data processing apparatus for effecting a predetermined process for a second data processing apparatus, recognizing a charge function of the second data processing apparatus and based thereon deciding between the two which should charge for predetermined process and effecting the charge process with the data processing apparatus'; Yokoyama Tetsuya discloses a data processing apparatus for effecting a predetermined process for a second data processing apparatus, recognizing a charge function of the second data

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processing apparatus and based thereon deciding between the two which should charge for predetermined process and effecting the charge process with the data processing apparatus' in section 0029-0030, 0036, abstract, section 0003-0005, fig. 1, unit 21, 31, 28, 30.

The examiner reminds the applicants that while the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

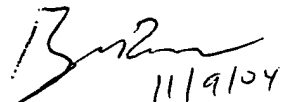
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the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

BRYAN BUI
PRIMARY EXAMINER


11/9/04